

GARCIA, SCHNAYERSON & THOMPSON
ATTORNEYS AT LAW
225 West Winton Ave, Suite 208
Hayward, California 94544
(510) 887-7445

PHILIP A. SCHNAYERSON [41825]
Attorney for Defendant
BALVINDER SINGH CHADHA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA)	Case No: CR 12-00182-PJH
)	
Plaintiff,)	DEFENDANT BALVINDER SINGH
)	CHADHA
Vs.)	SENTENCING MEMORANDUM
)	
BALVINDER SINGH CHADHA)	
)	
Defendant)	DATE: October 24, 2012
)	TIME: 2:30 p.m.

TO: THE HONORABLE PHYLLIS J. HAMILTON, THE UNITED STATES ATTORNEY
FOR THE NORTHERN DISTRICT OF CALIFORNIA, AND HIS ASSISTANTS, AND TO
THE CLERK OF THE COURT:

Plea Agreement

Under Federal Rule of Criminal Procedure 11(c)(1)(c), in exchange for a Guilty plea by the defendant, the prosecution must “agree that a specific sentence ... is the appropriate disposition of the case” Here, the Plea Agreement entered into by the parties pursuant to Federal Rule of Criminal Procedure 11(c)(1)(c) contains the condition that the defendant serve a term of imprisonment at the low end of the Federal Sentencing Guidelines for an Offense Level 24 and Criminal History Category to be determined by the court.

Here, as indicated by the probation report submitted by United States Probation Officer Jessica Goldsberry, Mr. Chadha has no criminal history. Consequently, his Criminal History

1 Category is I.

2 Therefore, the proper Guideline Range, based on the Plea Agreement is 51 to 63 months,
3 and if the court accepts the Plea Agreement, we submit the court should sentence Mr. Chadha to
4 51 months imprisonment.

5 This sentence would sufficiently reflect the seriousness of the offenses, promote respect
6 for the law, afford adequate deterrence, and protect the public.

7 **Request for Additional Time to Surrender**

8 The defendant requests that the court allow him to remain out of custody until February,
9 2013, for two reasons:

10 1. The defendant is the primary care giver of his father who is terminally ill ie. he is not
11 expected to live more than the next six months. Mr. Chadha would like to be there for these
12 months and there is no one else who can adequately care for him even if his wife is on electronic
13 monitoring during this period. There are two children and some provisions are being made to
14 have his son help with Mr. Chadha's father when Mr. Chadha surrenders to the designated prison.

15 2. The sale of his business which is expected to occur in February, 2013, would bring
16 significant income for Mr. Chadha which would be used to begin paying the restitution amount to
17 be ordered in this case.

18 The offenses committed by Mr. Chadha in this case were part of a larger conspiracy
19 involving relatives of Mr. Chadha. Those relatives received much of the funds which were paid
20 by the United States Postal service in this case. The government is well-aware of the actions
21 taken by Mr. Chadha's relatives in this scheme.

22 Under the terms of the Plea Agreements in this case, Mr. Chadha and his wife/codefendant
23 Jaspinder Kaur Chadha are required to pay restitution jointly or severably in the amount of
24 \$4,432,156.82. Because much of the money paid by the Postal Service went to Mr. Chadha's
25 relatives, or was gambled away Mr. Chadha does not have funds to pay the restitution. Mr.
26
27
28

1 Chadha and his wife own a home which the Government took a lien on this case. The
2 government has since removed the lien because of the decreased value of the home and the
3 encumbrances upon the property. The home will go into foreclosure.

4 Mr. Chadha's business is a paratransit company which coordinates transportation
5 of people with special needs. His efforts have made the company profitable and he expects to
6 earn approximately \$500,000 when it is sold.

7 For the foregoing reasons, the defense respectfully requests that the court accept the terms
8 of the Plea Agreement in this matter and allow the defendant to surrender himself and begin
9 serving his sentence in February of 2013.
10

11
12 DATED: October 15, 2012

Respectfully submitted,
GARCIA, SCHNAYERSON & THOMPSON
/s/

PHILIP A. SCHNAYERSON
Attorney for Defendant
BALVINDER SINGH CHADHA